

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 17 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NATURAL FASHIONS, INC., a California
corporation,

Plaintiff-Appellee,

v.

BEST OF KASHMIR, AKA BOK, AKA
BOK Style; et al.,

Defendants-Appellants.

No. 16-15825

D.C. No. 2:15-cv-00033-MCE-
CMK

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted August 9, 2017**

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Appellants Shah Nawaz Farash, Shanu, and Best of Kashmir appeal pro se from the district court's order denying their motion to set aside entry of default in this copyright infringement action. We have jurisdiction under 28 U.S.C. § 1291.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We review for an abuse of discretion the district court's denial of a motion to set aside entry of default under Federal Rule of Civil Procedure 55(c). *Franchise Holding II, LLC v. Huntington Restaurants Grp., Inc.*, 375 F.3d 922, 925 (9th Cir. 2004). We affirm.

In their opening brief, appellants failed to challenge any of the district court's grounds for denying their motion to set aside entry of default, and therefore appellants have waived any such challenge. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“[W]e will not consider any claims that were not actually argued in appellant’s opening brief.”); *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[A]rguments not raised by a party in its opening brief are deemed waived.”). We therefore do not reach the merits of this case.

To the extent that Best of Kashmir is a business entity and not an assumed name for Shah Nawaz Farash, we dismiss Best of Kashmir’s appeal because Farash, a non-attorney, may not represent a business entity. *See United States v. High Country Broad. Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (“A corporation may appear in federal court only through licensed counsel.”); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987) (“Although a non-attorney may appear *in propria persona* in his own behalf, that privilege is personal to him. He has no authority to appear as an attorney for others than himself.” (citations omitted)).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Appellants' request for an order requiring the parties to submit fabric samples, set forth in the opening brief, is denied.

AFFIRMED.